

Appl. No. 10/051,723
Atty. Docket No. 8487M
Amdt. dated 05/28/2004
Reply to Office Action of 01/29/2004
Customer No. 27752

REMARKS

Claims 1-6 and 9-23 are pending in the present application. Claims 11 and 17-20 have been allowed. Claims 1-6, 9, 10, 12-16, 21, and 22 have been rejected. Claim 23 is newly added. An extra claim fee is submitted in the attached Fee Transmittal form.

Pursuant to the present AMENDMENT IN RESPONSE TO OFFICE ACTION, Claim 1 is amended to delete Structure III, a chemical formula that was intended to be deleted in the previous amendment dated December 8, 2003.

Claim 1 is also amended to substitute "50" micrometers for "30" micrometers. Support for this amendment can be found in paragraph [0053], on page 14 of the specification. The fiber diameter limitation of Claim 1 is now consistent with the fiber diameter limitation previously claimed in allowed Claims 11, 17, and 18.

Claim 11 is amended to correct a typographical error in the spelling of "polyhydroxyalkanoate".

Claims 21 and 22 are amended to require that the claimed fibers have a fiber diameter of about 50 micrometers or less. Support for this amendment can be found in paragraph [0053], on page 14 of the specification.

New Claim 23 (which depends on Claim 1) is added to claim fibers with a diameter of about 30 micrometers or less. Support for this amendment can be found in paragraph [0053], on page 14 of the specification.

It is believed these amendments do not involve any introduction of new matter. Consequently, entry of these amendments is believed to be in order and is respectfully requested.

Rejection Under 35 USC 112

Claims 1-6, 12, and 15 have been rejected under 35 USC 112, 2nd paragraph, on the basis that reference to Structure III was deleted however Structure III, itself, was not deleted. This inconsistency has now been corrected by deletion of Structure III.

Rejection Under 35 USC 103(a)

Independent Claims 21 and 22, along with dependent Claims 9, 10, 13, 14, and 16, have been rejected under 35 USC 103(a) as being unpatentable over Wnuk (US Patent 5,939,467) alone or in combination with Noda references US Patents 6,013,590 (Noda '590), 5,502,116

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(Noda '116), and 5,489,470 (Noda '470). Applicants respectfully traverse this rejection for the reasons provided below.

Claims 21 and 22 have been amended, without prejudice, to recite the fiber diameter limitation (about 50 micrometers or less) of allowed independent Claims 1, 11, 17, and 18. It is respectfully submitted that these amendments place Claims 21 and 22, and their corresponding dependent claims, in condition for allowance.

Conclusion

In light of the above remarks and amendments, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC 103(a) and 35 USC 112, 2nd paragraph. Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-6 and 9-23.

Respectfully submitted,

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